

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 34-42 have been cancelled and new claims 43-48 have been added.

Rejection of Claims 34-42 Under 35 U.S.C. §112

The Office Action rejects claims 34-42 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have cancelled claims 34-42 without prejudice or disclaimer thus rendering this rejection moot.

Rejection of Claims 34, 36-37, 39-40 and 42 Under 35 U.S.C. §103(a)

The Office Action rejects claims 34, 36-37, 39-40 and 42 under 35 U.S.C. §103(a) as being unpatentable over Gever et al. (U.S. Patent No. 6,329,994) ("Gever et al.") in view of Noot et al. (CharToon 2.0 Manual) ("Noot et al.") and Herman et al. (U.S. Patent No. 6,075,905) ("Herman et al."). Applicants have cancelled claims 34, 36-37, 39-40 and 42 without prejudice or disclaimer thus rendering this rejection moot.

Rejection of Claims 35, 38 and 41 Under 35 U.S.C. §103(a)

The Office Action rejects claims 35, 38 and 41 under 35 U.S.C. §103(a) as being unpatentable over Gever et al. in view of Noot et al. and Herman et al. and further in view of Salesin et al. (U.S. Patent No. 5,666,475) ("Salesin et al."). Applicants have cancelled claims 35, 38 and 41 without prejudice or disclaimer thus rendering this rejection moot.

New Claims

Applicants have cancelled the current claims in this case without prejudice or disclaimer and provide new claims 43-48. Applicants note that these claims represent original claims 16-19 which were rejected in the Office Action of 25 February 2005 under section 102 as being anticipated by Bickmore et al. Applicants cancelled the claims without prejudice or disclaimer in response to that rejection to pursue allowance of remaining claims. However, at this stage,

Applicants shall substantively address whether Bickmore et al. teach each limitation of the claims and shall explain why these claims are patentable over Bickmore et al. Thus, Applicants shall address the arguments made in the Office Action dated 25 February 2005.

We first turn to claim 43. This claim recites a method enabling a sender to create a multi-media message to a recipient. The multi-media message comprises a dialog between at least two animated entities arranged to deliver respective portions of a text message from a sender. The method includes presenting the sender with an option to choose at least two animated entities to deliver respective portions of a text message to the recipient, the choice of which animated entity to deliver which portion of the text message being effected by the insertion in the text message of an indicator associated with the chosen animated entity. The method also includes delivering the multi-media message where the chosen animated entities deliver respective portions of the text message according to a position in the text message of the indicator associated with the animated entity.

Applicants shall discuss the teachings of Bickmore et al. and why they fail teach these limitations. The teachings of Bickmore et al., as they are introduced in the Abstract, are for an avatar or avatars which are attached to a document. The avatar is taught as being a virtual agent and is taught as being attached to any object on a page such as word, sentence or paragraph. The avatar is, however, different from the present invention in that they provide a narrative regarding the annotated object. Column 2 teaches these concepts. Column 7, cited in the Office Action, teaches avatar scripts stored in an ASL (avatar scripting language) file that provides instructions to do such things as pose, right arm up or pose, right arm down. This script is taught as being executed when designated text or image anchors in the document are activated. Figure 9, which is also discussed in column 7, starting at line 50, provides an example ASL file for an avatar named "Tim" that directs the avatar "Tim" to wave his right arm and say "hello." The mechanism by which an avatar becomes associated with an object is by the designer of the

document, such as an html document, adds an "A ref" attribute to the html "A tag." Thus, when generating the html code, there is a tag within the html code that specifies the behavior and defines the avatar that is associated with a paragraph. Then, using html code, the reader can call forth the particular avatar by dragging an avatar who sits to the side of the text over the portion of the text or by selecting the portion with a keyboard or a mouse to activate the avatar while reading the text. Applicants submit that there are several differences between this teaching and the present invention.

First, the context of the present invention is where a sender is sending a multi-media message to a recipient. Thus, the sender in this case in sending a message to a recipient is more appropriately interpreted as a person who is writing an email or other similar text message. This is not a person who is programming an html. Thus, the limitation of the choice of which animated entity to deliver which portion of the text message being effected by the insertion in the text message of an indicator associated with the chosen animated entity. Applicants note that programming an html does not involve inserting within a text message an indicator associated with the animated entity but programming and placing tags within html code which are associated with the message but are not the equivalent of inserting "in the text message" of an indicator associated with the animated entity. Therefore, Applicants submit that this feature is not taught or suggested in the reference.

Next, Applicants note that the appropriate scope of the teachings of this reference are that the user who is discussed as a "reader" of the document selects the avatar for information other than delivering the actual text of the document. For example, column 7, lines 39-42, discuss that the avatar talks using the creators pre-recorded voice and produces a "narrative about an object" but is not taught as delivering the message itself. Column 2 discusses further the thinking with regards to Bickmore et al. and their avatar. They explain that a user dragging the avatar over the annotated object on the document can cause the avatar to smile and raise eyebrows. The avatars

can interact with the document by selecting hyperlinks in the document pages and gives them the ability to provide customized presentations or guided tours of documents. The context of information being presented is always as being extra to the text itself. Therefore, Applicants submit that what is taught in this reference is that these avatars provide “extra information that does not require the reader to leave the current page being viewed.” Applicants submit that therefore, this is another difference in that the animated entity in claim 43 is the entity that delivers a multi-media message and of course involves several animated entities delivering respective portions of the text message according to the indicators associated with each animated entity. Applicants therefore submit that there are several differences between the reference and claim 43. Applicants therefore submit that Bickmore et al. fail to anticipate this claim and that this claim is patentable and in condition for allowance.

Claim 44 similarly requires two animated entities but, in addition, recites a multi-media message that requires a dialog between the at least two animated entities. Applicants submit that this concept of a dialog between at least two animated entities is also not taught by Bickmore et al. Column 9, which has been discussed above, lines 47-59 are cited again for the html code which differs from the present invention and furthermore, column 11, lines 12-24 is cited as teaching the second step of claim 44. Applicants respectfully submit that what is actually taught here is simply an html page that contains links that may cause one or more of the avatars to activate and perform a specific behavior. They show in Figure 13 where avatar 132D is shown placed over an object 622 of the html page. They do explain that more than one avatar is associated with a specific link, the first avatar specified in the A ref will move to the link, will have it's head and possibly it's body rendered and will perform the specific behavior. The reader may then move that first avatar back to the margin before the second avatar moves to the link and performs a specified behavior. Applicants submit that this is not the same as what is recited in claim 44 inasmuch as what they require here is multiple avatars “associated with a specific

link.” Thus, they associate two avatars with the same link whereas claim 44 requires a first animated entity being associated with text associated with it and the second animated entity that delivers the text associated with it which, in the preamble, is explained as being “respective portions of a text message.” Applicants therefore submit that since the text that is identified in this claim involves respective portions of text and not the same text, Applicants submit that the concept of having more than one avatar associated with the same specific link does not teach the same thing. Of course, Applicants submit that a further fundamental difference is that they are associating an avatar with a link and not an avatar that delivers the text of a message. Claim 45 depends from claim 44 and recites further limitations therefrom with regards to text message sender emoticons. Claim 46 also depends from claim 44 and recites the concept of providing the sender with options to control the position of each animated entity chosen within the multi-media message. Applicants submit that Bickmore et al. fail to teach these limitations.

Applicants also note that in the Office Action dated 25 February 2005, claim 18 (now claim 45) is rejected in view of Bickmore et al. and Sutton et al. Claim 45 recites receiving in the text message sender emoticons and delivering the multi-media message using the emoticons wherein each emoticon is associated with a most immediately preceding animated entity indicator within the text message. Applicants traverse the argument that it would be obvious to combine these references and that Sutton et al. combined with Bickmore et al. would teach these limitations. Even if Sutton et al. do disclose receiving in a text message emotional parameters, Applicants submit that it would not be obvious to combine these references. This is because, as has been discussed above, Bickmore et al. requires html type programming in order to generate the documents such that the avatar can interact with the document. Claim 44 simply involves receiving from a sender of a text message an indicator of a first animated entity and text associated with the first animated entity. Applicants note that the reason why one of skill in the art would not likely combine these references is first, they are in different fields of technology.

The Office Action asserts only that after discussing Sutton et al. that therefore, it would be obvious of one of ordinary skill in the art to modify the method of enabling the sender to create a multi-media message to a recipient comprising the receiving of the text message sender emoticons to include delivery of multi-media message wherein each emoticon is associated with the most immediately preceding animated entity indicator within the text message including emoticons in the text that has been associated with the most immediately preceding animated entity indicator allows each animated entity to visually and audibly deliver a text message using expressions that do not effect speech articulators but make the entity appear more lifelike and further allow the sender to control the visual emotional expressions of the animated entities. The Office Action recites column 20, lines 4-11 of Sutton et al. Applicants traverse the combination of these references but submit that inasmuch there are basic differences in the primary references that claim 45 is patentable and in condition for allowance.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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